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Attorney's Docket No.: 12912-002001

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Applicant : Paul M. Cosenza
Serial No. : 10/083,000
Filed : February 26, 2002

Art Unit : 3643
Examiner : Tara M. Golba

MAY 25 2004

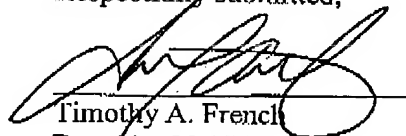
Title : DEER TICK PROTECTION DEVICE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attached to this facsimile communication cover sheet is SUPPLEMENTAL
COMMUNICATION RE REPLY TO ACTION OF DECEMBER 30, 2003, faxed this 25th day
of May, 2004, to the United States Patent and Trademark Office.

Respectfully submitted,

Date: May 25, 2004


Timothy A. French
Reg. No. 30,175

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Attorney's Docket No.: 12912-002001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Paul M. Cosenza
Serial No. : 10/083,000
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Examiner : Tara M. Golba

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SUPPLEMENTAL COMMUNICATION IN REPLY TO ACTION OF DECEMBER 30, 2003

This communication is submitted for the purpose of correcting an error in the "Remarks" portion of the response mailed May 14, 2004.

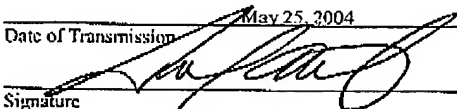
In particular, at page 8, line 2 of the Remarks, there is an erroneous statement suggesting that the series of prototype protection elements evaluated by Mr. Cosenza was manufactured by Ideal Tape & Label. In fact, as stated on the previous page of the Remarks, at page 7, last line, Precision Tape & Label manufactured the series of prototypes for evaluation by Mr. Cosenza. The error is apparent also from the referenced declarations (§6, Cosenza Supplemental Declaration; §3, Second Declaration).

Submitted herewith is a copy of page 8 of the Remarks showing the correction.

Please apply any charges or credits to deposit account 06-1050.

CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

Date of Transmission May 25, 2004
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Timothy A. French
Typed or Printed Name of Person Signing Certificate

Applicant : Paul M. Cosenza
Serial No. : 10/083,000
Filed : February 26, 2002
Page : 2 of 2

Attorney's Docket No.: 12912-002001

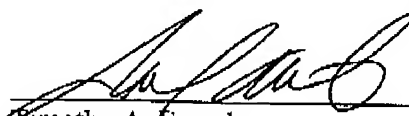
Respectfully submitted,

Date: _____

May 25 2004

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Reg. No. 30,175

Applicant : Paul M. Cosenza
Serial No. : 10/083,000
Filed : February 26, 2002
Page : 8 of 11

Attorney's Docket No.: 12912-002001

[CORRECTED 05/ 25/2004]

evaluation by Mr. Cosenza. A number of the prototype protection elements manufactured by Ideal Precision Tape & Label performed acceptably in the manner of Mr. Cosenza's invention, as described in the declarations (§6, Cosenza Supplemental Declaration; §3, Second Declaration). On the basis of these successful tests, Mr. Cosenza retained patent counsel and subsequently filed his initial provisional patent application (§7, Cosenza Supplemental Declaration).

On this basis, we submit that Arber '939 is overcome as prior art, at least with respect to the features of claims 1-4, 7-9, 11 and 16-20, and that these claims are now in condition for allowance.

Claims 1, 5, 16 and 22 were rejected under 35 USC §102(e) as being anticipated by Arber US 6,353,939. We respectfully traverse.

Claim 1 is amended herein to recite a set of protection elements for protection of at least two types of clothing openings selected from the group of types of clothing openings consisting of: waist band, shirt collar, shirt front, shirt sleeves, and pant cuffs by attachment of protection elements adjacent the selected types of clothing openings to be protected. Claim 16 is similarly amended to recite a method comprising protection of at least two types of clothing openings selected from the group of types of clothing openings consisting of: waist band, shirt collar, shirt front, shirt sleeves, and pant cuffs, by applying protection elements adjacent the selected types of clothing openings.

In contrast, Arber '939 describes disposable, one-time use leggings for protection of the region of the pants cuffs. There is no teaching by Arber '939 for Applicant's invention of a set of protection elements, or a method of protection, for at least two types of clothing openings, as taught and claimed by Applicant; therefore, there can be no anticipation of Applicant's claims 1 and 16.

Claims 2-4, 6-9 and 17-21 were rejected under 35 USC §103(a) as being obvious and therefore unpatentable over Arber '939. We respectfully traverse.